

Local Rule 34. Oral Argument

- (a) **Number of Counsel.** Only one counsel will be heard for each party on the argument of a case, except by leave of the court.
- (b) **Time Allotments.** The judge scheduled to preside over the panel will set the time allowed for argument by each party after considering the appellant's brief and each party's request for argument time. Normally, ten or fifteen minutes will be allotted to each side. Parties on the same side of an appeal may be obliged to divide the time allotted to their side. Arguments in pro se appeals are normally five minutes per side. The clerk will notify counsel and pro se parties of all such time allotments.
- (c) **Postponement of Argument.** Except in the event of an emergency, such as unforeseen illness of counsel, an application to postpone the date for oral argument will ordinarily not be favorably entertained. Engagement of counsel in courts (other than the Supreme Court of the United States) or administrative hearings will not be considered good cause for postponement. The date for oral argument may not be postponed by stipulation.
- (d) **Determination by Court Not to Hear Oral Argument.**
 - 1. If the court, acting sua sponte, contemplates deciding an appeal without hearing oral argument, each of the parties will be given an opportunity to file a statement setting forth reasons for hearing oral argument. Oral argument will be allowed in all cases except those in which a panel of three judges, after examination of the briefs and record, shall be of the unanimous view that oral argument is not needed for one of the following reasons:
 - (i) the appeal is frivolous; or
 - (ii) the dispositive issue or set of issues has been recently authoritatively decided; or
 - (iii) the facts and legal arguments are adequately presented in the briefs and record and the decisional process would not be significantly aided by oral argument.
 - 2. To prevent undue delay, incarcerated pro se appellants requesting oral argument shall file the above-mentioned statement of reasons at the time they file their briefs.